



General Assembly

January Session, 2015

***Raised Bill No. 6791***

LCO No. 3450



Referred to Committee on LABOR AND PUBLIC  
EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING WORKERS' WAGES AT LARGE  
CORPORATIONS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section  
2 and section 2 of this act:

3 (1) "Person" has the same meaning as provided in section 42-133e of  
4 the general statutes, except "person" shall not include the state or any  
5 department, agency or political subdivision thereof;

6 (2) "Franchise" has the same meaning as provided in section 42-133e  
7 of the general statutes;

8 (3) "Franchisor" has the same meaning as provided in section 42-  
9 133e of the general statutes;

10 (4) "Franchisee" has the same meaning as provided in section 42-  
11 133e of the general statutes;

12 (5) "Employee" means any individual employed or permitted to

13 work by an employer, but does not include any individual employed  
14 in any park, camp or resort that is open not more than six months of  
15 the year;

16 (6) "Covered employer" means:

17 (A) Any person, firm, business, educational institution, corporation,  
18 limited liability company or other entity that directly employs two  
19 hundred fifty or more employees in the state in any one quarter in the  
20 previous year, which shall be determined on January first, annually.  
21 Such determination shall be made based upon the wage information  
22 submitted to the Labor Commissioner pursuant to subsection (j) of  
23 section 31-225a of the general statutes; or

24 (B) Any franchisor whose franchisees, collectively, employ two  
25 hundred fifty or more employees in the state in any one quarter in the  
26 previous year, which shall be determined on January fifteenth,  
27 annually. Such determination shall be made based upon the  
28 information submitted to the Labor Commissioner pursuant to section  
29 2 of this act; and

30 (7) "Covered employer" does not include any private nonprofit  
31 entity, the state or any instrumentality or political subdivision thereof.

32 (b) Any covered employer that employs, or whose franchisee  
33 employs, any employee (1) who was listed on such covered employer's  
34 or such franchisee's payroll for at least ninety calendar days prior to  
35 the completion of the most recent calendar quarter, and (2) whose  
36 wages paid by such covered employer, or such covered employer's  
37 franchisee, during such quarter were less than or equal to fifteen  
38 dollars per hour, shall pay a fee to the Labor Commissioner for each  
39 such employee. Such fee shall be assessed quarterly and shall be equal  
40 to one dollar for each hour such employee worked for such covered  
41 employer during the previous quarter. Such fee shall not accrue until  
42 January 1, 2016.

43 (c) The commissioner shall collect such fees from each covered

44 employer not later than sixty days after the completion of the quarter  
45 in which such fees were assessed. The commissioner shall deposit such  
46 revenue derived therefrom with the State Treasurer who shall deposit  
47 such revenue in the General Fund.

48 (d) On or before October 1, 2015, the Labor Commissioner shall  
49 adopt guidelines for the determination of and collection of fees  
50 pursuant to subsections (b) and (c) of this section.

51 (e) Any covered employer aggrieved by the Labor Commissioner's  
52 determination of fees pursuant to subsection (b) of this section may file  
53 a complaint with the commissioner. Upon receipt of the complaint, the  
54 commissioner shall investigate such complaint and may hold a  
55 hearing. After the hearing, the commissioner shall send the covered  
56 employer a written copy of his or her decision. Any covered employer  
57 who prevails in such hearing shall be awarded reasonable attorney's  
58 fees and costs. Any covered employer aggrieved by the decision of the  
59 commissioner may appeal the decision to the Superior Court in  
60 accordance with the provisions of chapter 54 of the general statutes.

61 (f) A covered employer shall not (1) designate, or cause such  
62 covered employer's franchisee to designate, an employee as an  
63 independent contractor or temporary employee, (2) reduce, or cause  
64 such covered employer's franchisee to reduce, an employee's hours of  
65 work, or (3) terminate, or cause such covered employer's franchisee to  
66 terminate, an employee for the purpose of avoiding such covered  
67 employer's obligations under this section.

68 (g) The Labor Commissioner may request the Attorney General to  
69 investigate any violation of subsection (b) or (f) of this section. Any  
70 information obtained pursuant to such investigation shall be exempt  
71 from disclosure under section 1-210 of the general statutes. If the  
72 Attorney General finds that a covered employer has violated or is  
73 violating any provision of subsection (b) or (f) of this section, the  
74 Attorney General may bring a civil action in the superior court for the  
75 judicial district of Hartford in the name of the state against such

76 covered employer.

77 (h) If any provision of this section or its application to any person or  
 78 circumstance is held invalid by a court of competent jurisdiction, the  
 79 invalidity does not affect other provisions or applications of this  
 80 section that can be given effect without the invalid provision or  
 81 application, and to this end the provisions of this section are severable.

82 (i) Nothing in this section shall be construed to preempt or override  
 83 the terms of any collective bargaining agreement effective prior to  
 84 January 1, 2016.

85 Sec. 2. (NEW) (*Effective from passage*) Not later than January 1, 2016,  
 86 and annually thereafter, each employer that submits wage information  
 87 to the Labor Commissioner pursuant to subsection (j) of section 31-  
 88 225a of the general statutes shall indicate to the commissioner, on a  
 89 form and in a manner prescribed by the commissioner, whether such  
 90 employer is a franchisee, and if so, such employer shall provide to the  
 91 commissioner the name and address of the franchisor that granted the  
 92 franchise to such employer and any other information as the  
 93 commissioner may prescribe.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

**LAB** Joint Favorable